UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
STEVEN PAUL LEMLEY, JR.,   )   CASE NO. 12-21998 JPK
)   Chapter 7
               Debtor.   )

ORDER VACATING ORDER OF DISMISSAL OF CASE

On July 3, 2012, as record entry #12, the court entered an order in response to the debtor's record #9 motion to dismiss his case, by which the Chapter 7 case was dismissed. On July 12, 2012, as record #18, the United States Trustee filed a Motion to Set Aside July 3, 2012 Order Dismissing Case, and also on July 12, 2012, the Chapter 7 Trustee Daniel L. Freeland filed, as record entry #19, a Motion to Vacate Order of Dismissal, together with an accompanying legal memorandum. Both of the foregoing motions seek relief from the order of dismissal of the case, essentially pursuant to Fed.R.Bankr.P. 9024.

Both the Chapter 7 Trustee and the United States Trustee are correct in their assertions that 11 U.S.C. § 707(a) provides that a Chapter 7 case may be dismissed upon notice and hearing "for cause". Neither the debtor's motion nor anything else in the record establishes cause for dismissal of the case. Additionally, no opportunity for notice or hearing was provided to creditors in the case. The court's review of the record establishes that the order was entered in error, on a form utilized for dismissal of Chapter 13 cases (unlike a Chapter 7 case, a debtor may dismiss a Chapter 13 case at any time without establishing cause).

The court determines that the motions of the Chapter 7 Trustee and of the United States Trustee should be granted.

IT IS ORDERED that the record #12 order of dismissal is vacated.

IT IS FURTHER ORDERED that this case is reinstated fully as a case under Chapter 7.

IT IS FURTHER ORDERED that Daniel L. Freeland is reinstated as the Chapter 7

Trustee in this case.

Dated at Hammond, Indiana on July 23, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court